

**IDAHO PESTICIDE MANAGEMENT PLAN
RULE MAKING COMMITTEE**

**Minutes of the November 19, 2003 Meeting
Idaho State Department of Agriculture**

Gary Bahr called the Policy Group meeting to order at 9:05 am.

Members of the Committee in attendance included:

Gary Bahr, Idaho State Department of Agriculture
Tom Turco, Central District Health Department
Garrett Wright, EPA Region X
Wayne Newbill, Idaho Association of Conservation Districts
Elke Shaw-Tulloch, Idaho Department of Health and Welfare
Richard Huddleston, Department of Environmental Quality
Dennis Tanikuni, Idaho Farm Bureau
Lance Holloway, Idaho State Department of Agriculture
John Bokar, Idaho Rural Water Association
Lynn Tominaga, Idaho Ground Water Appropriators,
Inc
Scott McKinnie, Far West Agribusiness Association
Ken Neely, Idaho Department of Water Resources
Don Munkers, Idaho Rural Water Association
Deb Parlman, USGS
Rick Carlson, Idaho State Department of Agriculture
Cathy Parsons, Idaho State Department of Agriculture

Gary discussed the Draft Pesticide Management Plan and the need to have implementation rules developed. The draft rules will be developed in a Negotiated Rule-Making Process that will include representatives of organizations, and agencies who have an interest in ground water quality and pesticide issues. The draft rules will be submitted for public comment and hearings held throughout the state and comments incorporated into the rules. It is proposed that these rules be presented to the 2005 Legislature for approval and go into effect in July 2005.

Gary indicated that he has modeled the **Committee structure** on other committees that have successfully dealt with the development of major water policy and rules. The Committee will be composed of a Policy Group that will make decisions, and a Technical Group that will provide background information, research issues and draft rule language options. He also asked for suggestions of additional representatives/organizations that should be included.

Gary proposed that the Policy Group meet once a month, with proposed rules being developed by next June to meet rule-making deadlines set by the Legislative Services Office and Division of Financial Management, etc. Gary provided and discussed a

Meeting Guidelines draft. Lynn Tominaga stated that voting would be a good idea but asked if some parts could be controversial and put an extra burden on the farmer or the chemical dealer. Scott indicated that he felt that Committee would reach consensus on most items but wondered what would happen if the vote would be 5/4—would that cause some dissention in the group?

Lynn recommended that someone from Eastern Idaho be asked to serve on the Policy Group. Elke recommended that a member of the State Pesticide Management Commission be requested to join. Scott stated that he would provide potential Committee members' names such as a representative from Simplot.

Overview of the Idaho PMP – **Gary discussed the development of the Idaho Generic Pesticide Management Plan which is designed to establish a process for preventing and responding to contamination of ground water from pesticides.** He explained that it was developed in response to the FIFRA Cooperative Agreement Process with EPA and ISDA, and EPA Office of Pesticide Programs' 1996 *Pesticides and Ground Water State Management Plan Regulation: Proposed Rule*. The 1996 proposed rule would require a specific plan to be written for each of the following chemicals: Atrazine, Cyanazine, Simazine, Alachlor, and Metolachlor. However, not all of these chemicals pose potential problems in Idaho.

The goal of the generic PMP is to outline a strategy to address potential contamination, prevent impacts from normal use of pesticides, protecting human health and the environment, etc., based on a four-level response chart. And ISDA would work in cooperation with a number of other agencies to mitigate problems. (Gary noted that Idaho has had a lot of low-level detections of Atrazine and Simazine.) Pesticide compounds detected in Idaho at over 20% of the reference point include: Atrazine, Bentazon, Dacthal, Diazinon, Diuron, Metribuzin, Simazine and Triallate.

Garret Wright discussed the proposed federal rule and where EPA might be headed. He stated that EPA has been rethinking the proposed PMP rules. Their goal was to devise a mechanism to manage pesticide and ground water ground water concerns at a local level with built in “triggers and regulatory hammers”. If contamination reaches or goes over a previously set “reference point” EPA would expect states to implement their PMP which would set automatic, preplanned responses into action. EPA has not published the final rule, after the 1996 draft PMP rule came out. almost finalized the rule when President Bush took office but are now rethinking the PMP due to concerns from industry and from states. EPA is rewriting the 1996 draft rule and may make the rule final in the near future.

Garrett also stated that four pesticides were initially targeted but EPA is now trying to address how to manage local problems rather than focusing on the original four pesticides of concern. EPA is looking at surface water also and may try to tie into TMDL process but it is still very theoretical. EPA is also trying to engage registrants into the process more at the Headquarters level. They still have a commitment to local management and may see states, regions and others working together to develop better plans. States want

to be able to enforce the rules. What is clear is that the generic plans will be very useful. They will be incorporated into whatever approach EPA comes up with.

The Idaho PMP has been reviewed by EPA and it is a good plan overall. The plan needs to be finalized and signed off on by the Regional Administrator. Garrett stated that he needs to sit down with Gary to develop a timeline for EPA to approve the plan which would also require each agency to sign off on the plan. Garrett stated he felt that modifications would not necessarily be a problem, even if the Plan is approved.

In response to a question from Bob Spencer, Garrett stated they are now thinking that the language in the rule would outline a response process driven by the PMP. Once a pesticide has been identified as the problem, the PMP would also provide a mechanism to refine the response based on that particular pesticide.

Garrett also noted that he will need to follow up with Indian tribes both within the state and in surrounding states which may “share” ground water to discuss the PMP, processes and potential impact.

EPA does not want ground water to become so contaminated that it would violate surface water standards—interconnectedness is an issue.

The next meeting was scheduled for December 16 at 9:00 am with the place to be announced.

Rick Carlson gave an ISDA Pesticide and Ground Water Monitoring Update powerpoint presentation. There are twelve regional monitoring projects:

They are in the:

- 8th year for the Payette/Washington County Nitrate studies;
- 7th year for the Minidoka Shallow, Minidoka Deep, Gooding, Jerome, Lincoln, studies;
- 6th year for the Rathdrum, Mudlake, North Cassia, Twin Falls, East Snake River Plain, Gem-Payette studies;
- 5th year for the Northern Owyhee study;
- 3rd year for the Clearwater Plateau study;
- 1st year for the Lower Boise and the Central portion of Henry’s Lake studies.

EPA does not require specific testing but does provide grant funds for monitoring and expects ISDA to lead the process to protect ground water from pesticides. ISDA sends the majority of its ground water samples to the University of Idaho Analytical Sciences Laboratory (UIASL). ISDA works with the UIASL to develop a complete but efficient testing list to minimize expenses for ISDA and the UIASL. ISDA attempts to minimize testing for pesticides which are not used in Idaho. Complete pesticide testing of a sample, at the UIASL, would look at 125 or more different pesticides.

ISDA leads the Agricultural Ground Water Quality Protection Program for Idaho (1996) through the Agricultural Ground Water Coordination Committee which meets quarterly. DEQ leads the ground water monitoring technical committee.

The top ten pesticides found in Idaho include: Atrazine, Atrazine Desethyl, Simazine, Dacthal, Bromacil, Prometon, 2,4-DCBA, Metribuzin, Bentazon, Diuron and Propazine.

The Committee asked for clarification of the table which indicated the numbers of detections. They wanted to know how many samples had been taken and analyzed also.

There were also questions about reporting in parts per billion vs parts per million, reference dose, and health advisory levels—explanations will be provided at the next meeting.

Rick explained that they test primarily May through September. He also stated that the program needs to work closely with other agencies so that data can be shared.

Gary state that he would work on getting a Chairperson for the next meeting and asked for suggested topics.

The Advisory Committee adjourned at 12:15 pm.

The Technical Services Committee meeting was called to order by Gary Bahr at 1:30 pm.

Gary discussed the role of the Technical Services Committee and stated that he would like this group to meet once/month (separately from the Advisory Group). He noted that he would lead the group with assistance from Rick Carlson and Lance Holloway but would also try to recruit more people from agencies like the Department of Environmental Quality.

Gary stated that the Technical Committee will be producing draft rule language options and provide those to the Advisory Committee to vote on. The Technical Committee will also be able to break into smaller working groups if necessary.

He stated that Rex Schorzman has been suggested to Chair the Advisory Committee with Lynn Tominaga as the second choice. Lynn would be a very strong liaison with the Legislature. The chair does not need to live in the Boise area to be chair.

Gary asked if the draft rule should be a stand-alone rule or be incorporated into the Rules Governing Pesticide and Chemigation Use and Application. Gary also stated that he would check if there is authority in the current law to make these rules. The Committee determined that a stand-alone rule would be appropriate. By next meeting, he would expect a skeleton of the rule with each section containing a sketch of its contents. This would probably follow the draft Pesticide Management Plan itself. The meeting would be scheduled for the first part of December.

The definitions provide the foundation of what goes into the rule. Definitions are included in the Appendices of the Pesticide Management Plan, and the Idaho Ground Water Plan, and in the Idaho Pesticide and Chemigation Law, etc.

The committee discussed format issues and determined that strike and score would work best, and requested that each draft/page be dated. Proposed new language could also be printed in colors to distinguish action needed. Committee members also discussed the level of detail needed in the Rules and suggested that the Pesticide Management Plan be “incorporated by reference” to supply some of the detail on how to assess ground water, monitoring activities, triggers for action, etc. Gary will also forward copies of rules from other states and DEQ for information. The Department of Environmental Quality incorporates the Clean Water Act rules into their rules.

There was some discussion of how to use reference doses—although there was agreement that this information should be consistent throughout. And, Committee members requested information on health advisory levels, and ground water quality standards.

Committee members asked if there are specific pesticides the state is monitoring for, what are the most vulnerable areas, and what staff is finding. Gary stated that he would walk committee members through the proposed response chart. He noted there are some situations that might require installation of either voluntary or mandatory BMP’s, and some have already been approved in Idaho. Gary will invite someone to give a presentation on BMP’s.

Ag Pollution Abatement Plan

When would we require monitoring wells to be put into place
BMP’s

Changes in restricted use

Restriction zones

Industry requirements -- \$

Registrants – what would industry be willing to pay

When to require alternative watering systems

Contingency plans for tapping into separate water systems and who would be responsible

Gary will develop a proposed list of topics for the upcoming meeting. He again stated that the technical committee will frame issues and state problems for Policy group direction.

Garrett Wright will get someone to explain drinking water levels of concern, reference doses, HAL’s, MCL’s, PMP concurrence with Regional groups, and tribal coordination and how they would have input into the process.

The next Policy Group meeting was scheduled for December 16 from 9:00am to 3:30 pm. The next Technical Group meeting will be December 4th from 9 am to 12 noon. The meeting adjourned at 3:30 pm.